

REMARKS

Claims 2, 4, 6-8, 10-11, 13, 15-20, 22, and 25-28 are pending in the present application. By this reply, claims 1, 3, 5, 9, 12, 14, 21, 23 and 24 have been cancelled and new claims 25-28 have been added. Claim 7, 11, 19, 22, and 25-27 are independent claims.

Allowable Subject Matter/New Claims

Claims 7, 8, 13, 14, 17, 21 and 24 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Accordingly, allowable claims 13, 7 and 17 have been rewritten in independent form and are presented herewith as new independent claim 25-27, respectively. Also claim 7, as now amended, includes the allowable subject of original claim 7. Thus, claims 7 and 25-27 and claim 8 (dependent on claim 26) are allowable over the prior art of record.

Further, independent claim 19 has been amended to incorporate therein allowable claim 21. Independent claim 22 has been amended to incorporate therein allowable claim 24 and intervening claim 23 therein. Thus, independent claim 19 and 22 and therein dependent claim 20 are allowable over the prior art of record.

35 U.S.C. § 102(b) Rejections

Claims 1, 3-5, 10-12, 18 and 22 are rejected under 35 U.S.C. § 102(b) as being anticipated by Deparis (U.S. Patent No. 4,630,266). Claims 1-6, 9, 10, 15, 16, 18-20, 22 and 23 are rejected under 35 U.S.C. § 102(e) as being anticipated by Hullinger (U.S. Patent No. 6,295,092). These rejections, insofar as they pertain to the presently pending claims, are respectfully traversed.

Independent claim 11 is directed to, *inter alia*, an analysis component that is capable of operating upon a live DTV stream and/or a recorded DTV stream to do at least one of the following for the operated upon DTV stream: “determine existence, syntax, consistency, and frequency of at least one of MPEG-2 System tables and ATSC PSIP tables; determine percentage of transport stream used by various data types, channels, and elementary streams; and determine transmission frequency of the Program Clock References (PCRs)” as recited in claim 11. This feature is neither taught nor suggested by Deparis et al. or Hullinger because the Examiner relied on Deparis et al. for generating alarms.

To anticipate a claim, “the reference must teach every element of the claim” according to MPEP 2131. Relevant case law states that “[a] claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.” *Verdegaal Bros. V. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987).

Since Deparis et al. or Hullinger does not teach each and every feature recited in independent claim 11, the rejections are improper and must be withdrawn. Accordingly, independent claim 11 and its dependent claims (due to their dependency) are allowable over the prior art of record.

CONCLUSION

For the foregoing reasons and in view of the above clarifying amendments, Applicants respectfully request the Examiner to reconsider and withdraw all of the objections and rejections of record, and earnestly solicits an early issuance of a Notice of Allowance.

Should there be any matters which need to be resolved in the present application, the Examiner is respectfully requested to contact Esther H. Chong (Registration No. 40,953) at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

Applicant(s) respectfully petitions under the provisions of 37 C.F.R. § 1.136(a) and 1.17 for a one-month extension of time in which to respond to the Examiner's Office Action. The Extension of Time Fee in the amount of \$110.00 is attached hereto.

If necessary, the Commissioner is hereby authorized in this, concurrent, and further replies, to charge payment or credit any overpayment to Deposit

Account No. 02-2448 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17; particularly, extension of time fees.

Respectfully submitted,
BIRCH, STEWART, KOLASH & BIRCH, LLP

By James T. Eller, Jr., #39,538
J. Eller Jr.

P.O. Box 747
Falls Church, VA 22032-0747
(703) 205-8000

JTE/EHC:lmh